

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GEORGE D. McCARLEY,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO. 3:06cv91-MEF
HOUSEHOLD FINANCE)	
CORPORATION III, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ON MOTION

On October 3, 2007, Plaintiff filed a Motion to Compel Discovery (Doc. #81), as amended by Plaintiff's Response to Order of October 3, 2007 (Doc. #84). The motion seeks an order compelling responses to Interrogatories Numbers 26-45 as well as complete responses to Interrogatories 4(III)(ii), 4(IV), 5, 6(a)-(g), 7, 9-10, 11(a)-(e), 13-14, 15(a)-(c) 16(a)-(g), 17, 18(a)-(b), 19-20, 22, 24-25. Plf.'s Response to Order of October 3, 2007 (Doc. #84). Plaintiff, however, admits that during the scheduling conference held on March 23, 2007, the undersigned limited the number of interrogatories to 25 total. Id. at unnumbered page 2. Defendants' Response to the motion points out that Federal Rule of Civil Procedure 33(a) limits the number of interrogatories to 25. Defs.' Response to Plf.'s Mot. Compel Discovery (Doc. #91) at 2. Defendants also state Interrogatories Numbers 1 through 25 contain numerous subparts, further exceeding the number of permissible interrogatories under Rule 33(a). Nevertheless, Defendants claim

they have provided a response or objection to Interrogatories 4(III)(ii), 4(IV), 5, 6(a)-(g), 7, 9-10, 11(a)-(e), 13-14, 15(a)-(c), 16(a)-(g), 17, 18(a)-(b), 19-20, 22, 24-25. See id. at 2. Defendants also point out Plaintiff has not provided a specific reason for his dissatisfaction with the responses or objections Defendants have offered. Id. Finally, Defendants claim much of the information Plaintiff requests is irrelevant to the sole pending claim in this matter. The Court agrees with Defendants.

The undersigned, as Plaintiff admits, limited to the total number of Interrogatories to 25, consistent with the Federal Rules of Civil Procedures. Fed. R. Civ. P. 33(a) (“[A]ny party may serve upon any other party written interrogatories, not exceeding 25 in number including all discrete subparts . . .”). Defendants’ refusal to provide a response to Interrogatories 26 through 44 is therefore appropriate. No response is required to these interrogatories.

With respect to Interrogatories 4(III)(ii), 4(IV), 5, 6(a)-(g), 7, 9-10, 11(a)-(e), 13-14, 15(a)-(c), 16(a)-(g), 17, 18(a)-(b), 19-20, 22, 24-25, the Court carefully has reviewed Plaintiff’s interrogatories and Defendants’ responses. Defendant has provided a response or objection to each listed interrogatory. As Plaintiff has failed to specify the reason for his dissatisfaction with the response or objection, the Court will not question Defendants’ responses.

Accordingly, it is

ORDERED that Plaintiff’s motion to compel (Doc. #81) is DENIED.

DONE this 29th day of October, 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE